

Docket No.: 3464/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
CENTRAL FAX CENTER

OCT 09 2007

Applicant(s) : George Lydecker
Serial No. : 08/850,996 Examiner : MEI, XU
Filed : May 5, 1997 Group Art Unit: 2615
For : RECORDING AND PLAYBACK SYSTEM

BY FAX: (571) 273-8300

Attention: Office of Petitions
Cliff Congo, Petitions Attorney

CONFIRMATION BY MAIL:

MAIL STOP PETITIONS
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. 1.28(c)

Sir:

This Renewed Petition is submitted in response to a Decision issued by the Office of Petitions of the US Patent Office on September 28, 2007 on Applicant's request to withdraw holding of abandonment under 37 C.F.R. 1.181, filed August 30, 2007. Copy of the Decision is attached hereto.

The above-identified request was dismissed on a basis that Petitioner, i.e., Applicant in the above-identified application, has not supplied the Office with a copy of the Declaration identified in the copy of the stamped postcard receipt, which was included as the


evidence of receipt of the mentioned Declaration by the Office.

Applicants enclosed herewith a copy of the required Declaration document as filed on August 30, 2007 and, previously, on July 27, 2007.

Accordingly, reconsideration and favorable decision on this Renewed Petition are respectfully requested.

Respectfully submitted
GOTTLIEB, RACKMAN & REISMAN, P.C.

Dated: 10.08.2007



Tiberiu Weisz
Attorney for Applicants
Registration No. 29,876

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **RECORDING AND PLAYBACK CONTROL SYSTEM**.

The specification of which (check one) ☒ is attached hereto, ☐ was filed on May 5, 1997, as United States Application Serial No. or PCT International Application No. 08/850,996 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority claimed

(Number)	(Country)	Day/month/year filed	Yes	No
(Number)	(Country)	Day/month/year filed	Yes	No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(Application No.)	(Filing Date)
(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)	(Filing date)	(Status - patented, pending, abandoned)
(Application No.)	(Filing date)	(Status - patented, pending, abandoned)

And I hereby appoint

George Gottlieb (Reg. No. 22,035)
Michael I. Rackman (Reg. No. 20,639)
James Reisman (Reg. No. 22,007)
Barry A. Cooper (Reg. No. 25,204)
David S. Kashman (Reg. No. 28,725)
Allen I. Rubenstein (Reg. No. 27,673)

Amy B. Goldsmith (Reg. No. 33,700)
Norbert P. Holler (Reg. No. 17,816)
Michael R. Gilman (Reg. No. 34,826)
Tiberiu Weiss (Reg. No. 29,876)
Jeffrey M. Kaden (Reg. No. 31,268)

whose address is c/o Gottlieb, Rackman & Reisman, P.C., 270 Madison Avenue, New York NY 10016 (telephone (212) 684-3900), jointly and severally, as my attorneys and/or agents, with full power of substitution and revocations, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct all correspondence and telephone calls to: Allen I. Rubenstein, Esq. at the address and telephone number shown above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: George Lyndaker
Inventor's Signature: _____
Residence: Burbank, California 91504
Citizenship: United States of America
Post Office Address: Same as above

Date: 12-14-97

Full name of second joint inventor, if any: Alan J. McPherson
Inventor's Signature: _____
Residence: Burbank, California
Citizenship: United States of America
Post Office Address: Same as above

Date: 12/16/97

Full name of third joint inventor, if any: Edwin Chubert, III
Inventor's Signature: _____
Residence: South America, California
Citizenship: United States of America
Post Office Address: Same as above

Date: 11 Dec 97

DECLARATION AND POWER OF ATTORNEY
(Cont'd.)RECEIVED
CENTRAL FAX CENTER

OCT 09 2007

Full name of fourth inventor Gregory ThagardInventor's signature Residence 18088 Boris Drive, Encino, California 91316Citizenship United States of AmericaPost Office Address Same as above

Full name of fifth inventor _____

Inventor's signature _____

Residence _____

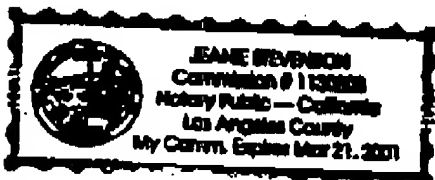
Citizenship _____

Post Office Address _____

State of CALIFORNIA
 County of Los Angeles
 On June 2, 1998 before me, JEANE STEVENSON, NOTARY PUBLIC
Date Name and Title of Officer (e.g., "John Doe, Notary Public")
 personally appeared GREGORY THAGARD
Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jeane Stevenson
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: DECLARATION AND POWER OF ATTORNEY
 Document Date: MAY 5, 1998 Number of Pages: 2

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

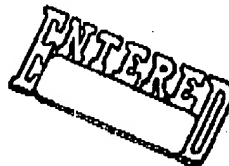
RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601



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SEP 28 2007

OFFICE OF PETITIONS

In re Application of
Lydecker, et al.
Application No. 08/850,996
Filed: May 5, 1997
Attorney Docket No. 3464/3

:
:
: DECISION ON
: PETITION
:

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 30, 2007.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a reply to the Notice to Corrected Application Papers mailed June 27, 2007. This Notice set a non-extendable period for reply of thirty (30) days for applicant to submit a declaration bearing the signature of inventor Thagard. No declaration having been received, the application became abandoned on July 27, 2007. The Office mailed a Notice of Abandonment on August 15, 2007.

Application No. 08/850,996

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Petitioner states that he timely filed a declaration. In support thereof, petitioner has included a copy of a USPTO date stamped postcard receipt, identifying this application, itemizing a declaration, and bearing a USPTO date stamp dated July 12, 2007.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

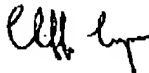
Accordingly, it is concluded that petitioner has established that a declaration was filed in this application on July 12, 2007. However, petitioner has not supplied the Office with a copy of the declaration. Accordingly, petitioner is requested to supply such on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions